IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.620 OF 2007

1. Rajesh Aanada Shetty
2. Annu Appu Shetty ...Applicants.

V/s.

The State of Maharashtra ...Respondent.

Shri Y.K.Mirza h/for Mr.Sarkale, advs. for the Applicants.
Smt.R.M.Gadhvi, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 26th February, 2007.

P.C.:

1. Heard Mr.Mirza, the learned counsel for the applicants and Ms.Gadhvi, the learned APP for the State. Perused the police papers.

2. The present applicants seek anticipatory bail in Crime No.49 of 2007 registered at Kalamboli Police Station for the offences punishable under Sections 326, 504 read with Section 34 of the I.P.C.

3. The prosecution case in brief is that on 5-2-2007, one Roza had assaulted Sapana, the beloved of accused no.2 Rajesh Gopal Shetty. Therefore, he alongwith his companions went to Roza to ask her why she had assaulted Sapana. At that time, the complainant

Prasad V. Shetty intervened. Due to this, accused no.1 Shekhar Shetty assaulted on the head of Prasad Shetty with the wooden stump while accused nos.2 to 4 also beat him with fists and kick blows. Due to the blow given on head, he suffered bleeding injury and was taken to the hospital. On his report, the offences under Sections 326, 504 read with Section 34 of the I.P.C. came to be registered against 4 accused persons. The present applicants are accused nos.3 and 4 respectively. The allegation made against them is only that they had assaulted and beaten the complainant with fists and kick blows. Prima-facie no offence under Section 326 is made out because as per the medical certificate, the complainant had suffered only a bleeding injury on head which was stitched and he was discharged from the hospital. No grievous hurt was suffered by him therefore, at the most the offence under Section 324 could be registered. From this, it appears that the applicants have well founded apprehension that they are likely to be arrested for the offences, which they have not committed.

4. Therefore, in the event of arrest in Crime No.49 of 2007, the applicants Rajesh Aanada Shetty and Annu Appu Shetty be released on their executing P.R.Bond of Rs.5,000/- each with surety in the like amount with

condition that they shall not tamper with the prosecution evidence and shall make themselves available to the police as and when required for the purpose of interrogation. After filing of the charge-sheet, the applicants shall move the appropriate Court for getting the bail.

5. The application stands disposed off.

(J.H.Bhatia,J.)